

### **Remarks**

Claims 1, 4, and 6-19 are pending. With this Response, claims 1, 13, and 19 are amended. Upon entry of the current amendments, claims 1, 4, and 6-19 remain pending.

Applicant submits that the claim amendments are fully supported by the application as originally filed and do not present new matter.

Applicant respectfully requests reconsideration and further examination of the application in view of the amendments above and remarks below.

### **Claim Amendments**

Independent toy claims 1 and 19 are each amended to feature that each playpiece includes an audio device that emits a sound corresponding to the particular emotion. Support for these amendments can be found in the specification at, e.g., page 5, lines 12-14.

Independent method claim 13 is amended to more clearly define a specific method of using the toy recited therein. In brief, the method of claim 13 now features using the toy to teach a child the very critical skills of naming an experienced emotion and connecting that named emotion with a previously experienced visual, kinesthetic, or linguistic expression (see the specification at, e.g., page 2, line 21 to page 3, line 12, and page 7, lines 7-18). Such a method is considered very useful and advantageous in that, e.g., it allows a child to learn to plan for responsive actions (see the specification at, e.g., page 7, lines 16-18).

### **Interview**

Applicant gratefully acknowledges the telephonic interview granted by Examiner Suhol between the Examiner and Applicant's undersigned representative, Paul John Parins, on May 24, 2006.

Applicant's representative presented the amendments to each of claims 1, 13, and 19, discussed above, as warranting favorable action in view of the rejections indicated in the final Office Action having mailing date March 28, 2006.

Agreement was not reached as the Examiner indicated that a Request for Continued Examination (RCE) would need to be filed for the amendments to be considered.

Accordingly, as mentioned above, this Submission is being concurrently filed with an RCE in connection with the above-identified patent application and, therefore, reconsideration of the application is proper.

In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the undersigned.

#### **Claim Rejections - 35 U.S.C. § 112**

Claims 6-9 and 12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005.

Accordingly, it is respectfully submitted that claims 6-9 are definite and comply with the requirements under 35 U.S.C. §112, second paragraph. It is respectfully requested that the rejection of claims 6-9 under 35 U.S.C. §112, second paragraph, as being indefinite, be withdrawn.

#### **Claim Rejections - 35 U.S.C. § 101**

Claims 13-16 and 18 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005.

Moreover, it is respectfully submitted that the amendment to independent claim 13 renders this rejection moot because amended claim 13 features the specific useful aspect of using the toy recited therein to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Accordingly, it is respectfully requested that the rejection of claims 13-16 and 18 under 35 U.S.C. §101 be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by a document showing “What a Character” Seven Dwarfs figurines.

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005. Moreover, It is respectfully submitted that the amendment to each of claims 1 and 19 makes each of these claims even more patentable over the “What a Character” reference.

The “What a Character” reference does not teach, motivate, or suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion.

Accordingly, it is respectfully requested that the rejection of claims 1 and 19 under 35 U.S.C. § 102(b) as being anticipated by “What a Character” Seven Dwarfs figurines, be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4, 6-16, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Van Hoose (U.S. Pat. No. 4,917,607) in view of Shaver et al. (U.S. Pat. No. 5,092,778).

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005. Moreover, it is respectfully submitted that the amendment to each of independent claims 1, 13, and 19, makes each of these claims even more patentable over Van Hoose in view of Shaver et al.

With respect to each of independent claims 1 and 19, the Van Hoose and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion.

With respect to independent claim 13, the Van Hoose and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest to teach a child to name an

experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Van Hoose describes that her doll includes cards to communicate unexpressed feelings or emotions and bandages to assist in the psychological process of healing (see Van Hoose at col. 1, lines 45-55, and col. 3, line 5 to col. 4, line 7). However, Van Hoose does not describe using her doll to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Shaver et al. describe a representational figure (e.g., teddy bear) to help diagnose and treat a child's psychological trauma (see Shaver et al. at the Abstract and col. 5, line 38 to col. 6, line 28). However, Shaver et al. do not describe using the figure to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Accordingly, it is respectfully requested that the rejection of claims 1, 4, 6-16, and 19 under 35 U.S.C. §103(a) as being unpatentable over Van Hoose in view of Shaver et al. be withdrawn.

Claims 1, 4, 10, 13-15, 18, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Solomon (U.S. Pat. No. 4,341,521) in view of Sparks (U.S. Pat. No. 4,378,215) and Shaver et al. (U.S. Pat. No. 5,092,778).

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005. Moreover, it is respectfully submitted that the amendment to each of independent claims 1, 13, and 19, makes each of these claims even more patentable over Solomon in view of Sparks and Shaver et al.

With respect to each of independent claims 1 and 19, the Solomon, Sparks, and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion.

With respect to independent claim 13, the Solomon, Sparks, and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest to teach a child to

name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Solomon describes that her psychotherapeutic device as a diagnostic tool for a therapist (see Solomon at the Abstract, col. 1, lines 5-9; col. 2, line 60 to col. 3, line 2; and col. 3, lines 21-32). However, Solomon does not describe using her device to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Sparks relates to teaching sign language. The Sparks reference does not relate to using a toy such as that in claim 13 to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

The deficiency of the Shaver et al. reference with respect to amended claim 13 is discussed above.

Accordingly, it is respectfully requested that the rejection of claims 1, 4, 10, 13-15, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over Solomon in view of Sparks and Shaver et al., be withdrawn.

Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being obvious over Van Hoose in view of Shaver et al. and further in view of Childsworld/Childsplay "Feelings" Frog game.

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005.

Moreover, it is respectfully submitted that the amendment to each of independent claims 1 and 13, from which claims 17 and 18 depend respectively, renders this rejection moot. The Childsworld/Childsplay reference fails to cure the deficiencies of each of the Van Hoose and Shaver et al. references with respect to each of base claims 1 and 13.

With respect to base claim 1, the Van Hoose and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion. The Childsworld/Childsplay reference likewise fails to teach, motivate, or

suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion.

With respect to base claim 13, the Van Hoose and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression. The Childsworld/Childsplay reference likewise fails to teach, motivate, or suggest to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

Accordingly, it is respectfully requested that the rejection of claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Van Hoose in view of Shaver et al. and further in view of the Childsworld/Childsplay reference be withdrawn.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Solomon in view of Sparks and Shaver et al., as stated above, and further in view of Childsworld/Childsplay "Feelings Frogs Game."

Applicant respectfully maintains the arguments made of record in the immediately prior Response filed on December 22, 2005.

Moreover, it is respectfully submitted that the amendment to each of independent claims 1 and 13, from which claims 17 and 18 depend respectively, renders this rejection moot. The Childsworld/Childsplay reference fails to cure the deficiencies of each of the Solomon, Sparks, and Shaver et al. references with respect to each of base claims 1 and 13.

With respect to base claim 1, the Solomon, Sparks, and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion. The Childsworld/Childsplay reference likewise fails to teach, motivate, or suggest a plurality of playpieces where each playpiece includes, e.g., an audio device that emits a sound corresponding to a particular emotion.

With respect to base claim 13, the Solomon, Sparks, and Shaver et al. references, alone or in combination, do not teach, motivate, or suggest to teach a child to name an

experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression. The Childsworld/Childsplay reference likewise fails to teach, motivate, or suggest to teach a child to name an experienced emotion and connect that named emotion with a previously experienced visual, kinesthetic, or linguistic expression.

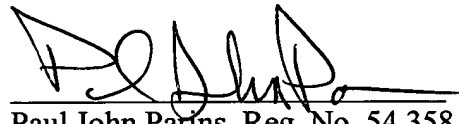
Accordingly, it is respectfully requested that the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Solomon in view of Sparks and Shaver et al., as stated above, and further in view of Childsworld/Childsplay "Feelings Frogs Game," be withdrawn.

### Conclusion

In view of the above remarks and amendments, it is respectfully submitted that the claims and the present application are in condition for allowance. Approval of the application and allowance of the application is earnestly solicited. In the event that a phone conference between the examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the undersigned.

Respectfully Submitted,

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